

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMERICAN CIVIL LIBERTIES UNION
OF WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

No. C09-0642RSL

ORDER GRANTING THIRD
MOTION FOR RECONSIDERATION

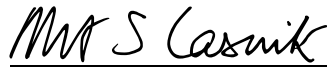
On September 21, 2012, the Court issued an order following *in camera* review requiring disclosure of certain information. Defendant sought reconsideration, arguing that it had additional classified information regarding the applicability of Exemption 1 that it had not yet provided, apparently in the belief that it would be given an opportunity to present a witness to further explain the documents and their import.

Although this is a very close call given that defendant failed to mention the existence of any additional information until after disclosure had been ordered, the Court will err on the side of caution. The motion for reconsideration is therefore GRANTED to the extent that defendant will be permitted to deliver to chambers an *ex parte* declaration addressing the applicability of Exemption 1 to Document Nos. 79, 80, and 84. Per the suggestion of the Classified Information Security Officer assigned to this case, a printed electronic copy of the declaration and/or other classified information shall be transmitted via classified channels through the U.S. Attorney's office in Seattle for hand-delivery directly to chambers within

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1 fourteen days of the date of this order. The submission shall be sealed and clearly marked “For
2 *In Camera* Review – Judge’s Eyes Only.” Neither Mr. Hardy nor the Classified Information
3 Security Officer need appear in chambers.

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5 Dated this 20th day of November, 2012.

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7 Robert S. Lasnik
8 United States District Judge
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